

In the United States District Court For
The Eastern District Courts of PA

ANDY ORTIZ	
Plaintiff,	Declaration of Plaintiff:
v.	Andy Ortiz
	Civil Action # 21-CV-3100
C/O: Haneef Lawton	
Sgt: David Gill	
Major: Martin	
Defendants,	

Please note C/O: Haneef Lawton should be held by the feds.

- 1.) on March, 4, 2020 while ~~being~~ being housed on F1 Block at Philadelphia - Industrial - Correctional - Center P.I.C.C. which, I believe I was housed in cell # 14 on F1 block with inmate Gabriel Correa.
- 2.) Where, I was assaulted and stabbed while, doing legal work. When inmate look over while, I was doing legal work notices I was convicted of rape. I was told by cellmate Gabriel Correa to explain my self, which, I did not which, lead to me getting assaulted. Note: Grievances Forms was filed on my behalf.
- 3.) Where, I was then sent to the hospital for further ~~there~~ treatment ~~was~~ was given. Where I was given staples in my head and a Franick Shot for the ~~stabbing~~ stabbing / assault. Where pictures were given / taken By defendant Sgt: David Gill. Before, the hospital trip and after. Grievances was filed by Plaintiff behalf on matters above.
- 4.) Where I addressed to defendant Sgt: David Gill of the attack and weapon that was used against me as described to be plastic and sharp. Also, a misconduct was given to Plaintiff and attacker.
- 5.) Which, attacker Gabriel Correa admitted to assaulting me but, not admitted to stabbing me.
- 6.) I was founded not guilty for misconduct while, ~~defendant~~ in attacker Gabriel Correa was ~~not~~ founded guilty. Was told by an investigation would be made and posted down to Major of the guards Major: Martin which, came by my cell to tell me investigation is being made. When, I was on J-block I believe I was in 43 cell in 32 or 33 cell. But, was not able to get any out come and charges was not made upon investigation that said, was investigated. Was held in the ~~the~~ Restricted Housing Unit without notices on why, I was still being held on punitive status. Not able to exercise.

Note:

Due to summons being issued in the past, I hereby declare that defendant should be held by the feds. Under an indictment for smuggling drugs and phones into the Philadelphia prison system. Which, was on media / newspaper in the Philadelphia news. C/O: Haneef Lawton due to him not being employed by the prison any more. Difficult to locate defendant.

or have access to the Courts or property or phone calls.

- 7.) Which, violated Due process clause rights see below Wolff v. McDonnell, 418 U.S. 539 (1974)
Along with incident that happen on Feb. 24, 2020 that that referred to 21-CV-3104 see; ~~And~~ ¹⁷ ³³³ Ortiz v. LT. Horsey.
- 8.) Which, was also, being investigated but, was not given written notice or out come of investigations made by major: martin.
8th amendment right to failure to protect. While, officer c/o: Haneef Lawton was well aware of the incident and saw it accorded and left to guard Defendant SGT. David Gill which, did not respond right away.
- 9.) While, Gabriel Correa kept on assaulting me with punches, kickings and Stabbings. Then, stopped before C/o: Haneef Lawton and SGT. David Gill arrived.
While, I ran on the top bunk while, head was bleeding badly. Also, face and nose was badly injured. See below Farmers v. Brennan, 511 U.S. 825 (1994). Which, prison official was aware of the harm and risk Plaintiff was in. Breach of ~~SEC~~ Security where inmates in ~~re~~ restrictive housing unit to not or have access to weapons in the Philadelphia Dept. of prison. That c/o: Haneef Lawton defendant of the above caption did not take reasonable steps to protect me. Which, he walked away and ~~E~~ Defendant Sgt. David Gill failed to respond in a quick timely fashion.
(Ct. Cl. 1986) Along with False imprisonment Gitten v. New York, 504 N.Y.S.2d 969
I believe this above matter should be taken to a jury trial and attacker Gabriel Correa to be prosecuted and Justice be made.
- 10.) I held all defendant above accountable for there actions listed above. I move this motion for the Judge to order ~~sepo~~ Subpoena to defendants on the above matter. To have witnesses to be presented at trial in the future. Which, I seek in money damages and punitive damage. 5 million or more to money damages compensation and punitive damages. For the above action Plaintiff made in the Memorandum of law. For a demanded respond from defendants.
- 11.) I Hereby declare under ~~penalty~~ and Panalty of prejury that the foregoing is true and deemed correct to the best of my Acknowledge, upon consideration to accept this motion. Executed on 5-9-23 at Somerset, PA Signed, *Andrew G. G. G.*

Cc: Filed on 5-9-23

- 1.) personal copy
- 2.) Eastern District of PA # 21-CV-3100
- 3.) was not able to make copie to defendant.